



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

May 15, 2015

Mr. Harry K. Sideris
Senior Vice President
Environmental, Health, & Safety
Duke Energy
526 South Church Street
Mail Code EC3XP
Charlotte, NC 28202

Subject: NPDES Stormwater Permit Application –
Allen Steam Station
Permit Number **NCS000546**
Gaston County

Dear Mr. Sideris:

In response to your application for coverage under an NPDES stormwater permit, the Division of Energy, Mineral, and Land Resources (Division or DEMLR) is forwarding herewith the subject state - NPDES permit, NCS000546. This permit is issued pursuant to the requirements of both North Carolina General Statute 143-215 .1 and the Memorandum of Agreement between North Carolina and the U.S. Environmental Protection Agency dated October 15, 2007 (or as subsequently amended).

This final permit includes the following changes from the draft permit published on our website on March 6, 2015:

- SW002 was inadvertently left out of the draft permit and has been added to the final permit along with the required monitoring.
- The description of Outfall 13 was revised to "Outfall Group SW013 (Drainage Area 13) includes thirteen 10" stormwater discharge outfalls along approximately 12,400 linear feet of gravel road and 750 linear feet of rail lines."
- Outfall SW017 (Drainage Area 17) and Outfall SW021 (Drainage Area 21) were added in the heading with Outfall SW004 (Drainage Area 4), Outfall SW006 (Drainage Area 6), and Outfall SW014 (Drainage Area 14).
- Outfall SW019 has been removed from the final permit.

Division of Energy, Mineral, and Land Resources
Energy Section • Geological Survey Section • Land Quality Section
1612 Mail Service Center, Raleigh, North Carolina 27699-1612 • 919-707-9200 / FAX: 919-715-8801
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Thank you for your comments submitted on May 5, 2015. Please see our responses below:

1. Duke Energy will be requesting Representative Outfall Status (ROS) as follows:

- SW008 represents outfalls SW001, SW003, SW007, SW008, SW009, SW010 and Group SW013
- SW011 represents outfalls SW011 and SW012
- SW015 represents outfalls SW015, SW016, SW018 and SW020

DEMLR handles ROS designation outside of the permit because ROS is subject to change if activities or other circumstances change. This procedure allows designations of and any changes to ROS to be handled more expeditiously, without reopening the permit for modification. Please coordinate with the Mooresville Regional Office if you wish to pursue ROS designation for any stormwater outfalls.

2. The permit application dated November 17, 2014, listed Outfall SW002 (Drainage Area 2). Neither the permit nor the fact sheet references SW002. Duke Energy requests a review to determine if any monitoring is required.

SW002 was inadvertently left out of the draft permit and has been added to the final permit along with the required monitoring.

3. Duke Energy requests the description for outfall SW013 in the permit and fact sheet be revised to match the description in the permit. The outfall is a group of outfalls that drain the rail lines and the eastern vegetated slopes of the ash landfill. One of the outfalls within the group is accessible and recommended for sampling.

The description of outfall 13 in the permit and fact sheet was revised to "Outfall Group SW013 (Drainage Area 13) includes thirteen 10" stormwater discharge outfalls along approximately 12,400 linear feet of gravel road and 750 linear feet of rail lines." The sample point or points for Outfall Group SW013 will be handled outside the permit by the Regional Office.

4. For clarification, Duke Energy requests Outfall SW017 (Drainage Area 17) and Outfall SW021 (Drainage Area 21) be included in the heading with Outfall SW004 (Drainage Area 4), Outfall SW006 (Drainage Area 6), and Outfall SW014 (Drainage Area 14) in the permit and fact sheet. Both Outfall SW017 (Drainage Area 17) and Outfall SW021 (Drainage Area 21) are included in the paragraph below the heading.

Outfall SW017 (Drainage Area 17) and Outfall SW021 (Drainage Area 21) were added in the heading with Outfall SW004 (Drainage Area 4), Outfall SW006 (Drainage Area 6), and Outfall SW014 (Drainage Area 14) in the permit and fact sheet.

5. Duke Energy requests the monitoring for Outfall SW019 be removed from the permit. Outfall SW019 does not drain areas associated with the industrial activities at the site.

Outfall SW019 has been removed from the final permit.

6. Several of the stormwater outfalls are currently inaccessible. Providing safe and secure access to these outfalls for sampling and monitoring will be difficult and costly. Currently Outfalls SW012, SW016, SW018, SW019 and SW020 are inaccessible. Sampling SW008 will be possible only at the inlet catch basin.

We understand the company's concerns about safety and secure access to outfalls, and we fully support precautions to ensure accessibility is safe and appropriate for your employees. To that end, it is acceptable to sample at the nearest, safely accessible location upstream of a stormwater outfall when necessary to obtain a sample. The inaccessible issue will be handled outside the permit by the Regional Office. Further, the company may wish to pursue a Representative Outfall Status (ROS) designation for one or more of these outfalls to address its concerns. DEMLR handles ROS designation outside of the permit because ROS is subject to change if activities or other circumstances change. This procedure allows designations of and any changes to ROS to be handled more expeditiously, without reopening the permit for modification. Please coordinate with the Mooresville Regional Office if you wish to pursue ROS designation or alternative sample points for any stormwater outfalls.

Failure to complete the monitoring as required is a violation of the permit and any permit noncompliance constitutes a violation of the Clean Water Act. Reference Part III, Section A, Item 2 "Duty to Comply", Item 9 "Penalties for Tampering" and Item 10 "Penalties for Falsification of Reports" of your permit for further information.

Per the requirements of the Catawba Riparian Buffer Rule, all stormwater drainage from portions of this site that have been constructed after June 30, 2001 must be discharged through a correctly designed level spreader or another device that meets diffuse flow requirements per 15A NCAC 2B .0243. Diffuse flow requirements are described in Chapter 8 of the North Carolina Stormwater BMP Manual, available at: <http://portal.ncdenr.org/web/lr/bmp-manual>.

If any parts, measurement frequencies or sampling requirements contained in this permit are unacceptable to you, you have the right to an adjudicatory hearing upon written request within thirty (30) days following receipt of this letter. This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, Post Office Drawer 27447, Raleigh, North Carolina 27611-7447. Unless such demand is made, this decision shall be final and binding.

Please take notice this permit is not transferable. Part III, B.2. addresses the requirements to be followed in case of change in ownership or control of this discharge. This permit does not affect the legal requirements to obtain other permits which may be required by the Division of Energy, Mineral, and Land Resources, or permits required by the Division of Water Resources, Coastal Area Management Act or any other federal or local governmental permit that may be required.

Mr. Harry Sideris
May 15, 2015
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If you have any questions or comments concerning this permit, contact Mike Randall at (919) 807-6374 or at mike.randall@ncdenr.gov.

Sincerely,

Original signed by Tracy E. Davis

Tracy E. Davis, PE, CPM, Director
Division of Energy, Mineral, and Land Resources

cc: Mooresville Regional Office, DEMLR Land Quality Section
Sam Sampath, Ph.D., EPA Region IV, 61 Forsyth Street, Atlanta, GA 30303
Stormwater Permitting Program
DWR Central Files

Attachments